IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE.

WRIT PETITION NO. 160 OF 2002

The Union of India, through)
Secretary, Ministry of)
Finance and another) ..... Petitioner.

versus

Smt. Jayashree A. Sathaye ..... Respondents.

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Shri R.S. Apte with D.A. Dube for the petitioner.
Shri G.K.Masand for Respondent.

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CORAM ; V.G.PALSHIKAR &
MRS. RANJANA DESAI, JJ.

DATED; 23RD AUGUST, 2004.

P.C.;

1. By this petition, the Union of India has challenged the order passed by the Central Administrative Tribunal as illegal and improper.

2. The order of the Tribunal in the operative part reads thus:

> We, therefore, hold that the respondents shall hold a DPC as per rules as if to consider the case of applicant as arising on 20-10-1993. The DPC whall consider the record, etc. as per rules, accordingly and

should they find the applicant fit for promotion, she will be promoted w.e.f. 20-10-1993 and provided all consequential benefits."

3. All that has been done by the Tribunal is therefore to direct consideration of the petitioner for promotion on the basis that she was liable to be considered on 20-10-1993. While so observing the Tribunal has categorically led down that the respondent should do it by holding of DPC as per rules and DPC has to be considered the records etc. as per rules and if they find the applicant fit for promotion it be given to the applicant from 20-10-19993. It is therefore in effect an order directing consideration from a particular date. The exercise of that consideration can be undertaken by the respondent without any injury to them. While so doing they have to look into the rules framed for the purpose operative at the very time, when the consideration is directed to be made. In our opinion this being the factual position, there is no need to interfere with the order of Tribunal. The petition is accordingly dismissed.

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